

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

MARISA DESCHINE AND MICHAEL DESCHINE,  
ON THEIR OWN BEHALVES, AND ON BEHALF  
OF THEIR MINOR CHILDREN, DARIUS  
DESCHINE, MEKEISHA DESCHINE, DARIAN  
DESCHINE, DARRY DESCHINE, MARCUS  
DESCHINE, AND DEMARCO DESCHINE,

Plaintiffs,

vs.

No. 14-CV-00762-KBM-GBW

MAUREEN KIDD, M.D., and  
LOCUMTENENS.COM, LLC,

Defendants.

**MOTION TO CONSOLIDATE**

1. Plaintiffs move to consolidate this case, Case No. 14-CV-00018-MV-KBM, with the case captioned *Marisa Deschine and Michael Deschine, on their own behalf, and on behalf of their minor children, Darius Deschine, Mekeisha Deschine, Darian Deschine, Darry Deschine, Marcus Deschine, and Demarco Deschine vs. Maureen Kidd, M.D., and Locumtenens.Com, LLC*, Case No. 14-CV-00762-KBM-GBW filed on August 22, 2014, which is now pending in this court. A copy of the Complaint in this latter case is attached to this Motion as Exhibit A.

2. Both cases arise from the same alleged incident involving the plaintiffs in this case and have substantially similar facts and common issues of law in that they both allege medical negligence at Northern Navajo Medical Center on or about April 24, 2013, and both are based on the same negligence and damages law.

3. Both cases name the same person, Maureen Kidd, M.D., as the person at fault, but in one case the United States is the sole defendant and in the other Dr. Maureen Kidd is a named defendant.

4. Both cases involve alleged medical negligence by Dr. Kidd, which is alleged to have caused injury to plaintiffs.

5. Both cases invoke the laws of the State of New Mexico for the rule of decision.

6. Both cases were filed this year and proceedings in both cases have not progressed very far.

7. Both cases involve the issue of identifying the appropriate defendant or defendants and the question of who employed Dr. Kidd at the time of the alleged medical negligence.

8. Consolidation of these cases will avoid delay, multiplicity of suits, duplication of testimony, and unnecessary expense.

9. Consolidation of these two cases will not delay or prejudice any party to these causes.

10. An effort was made to seek concurrence of opposing counsel in Case No. 14-CV-00018-MV-KBM, but counsel was not available and then did not respond to a written request for concurrence.

WHEREFORE, plaintiffs respectfully request that the court consolidate this case and 14-CV-00762-KBM-GBW.

Dated: September 24, 2014

Respectfully submitted

BARBER & BORG, LLC  
P.O. Box 30745  
Albuquerque, NM 87190-0745  
3816 Carlisle Blvd, NE Suite C (87107)  
(505) 884-0004  
(505) 884-0077 (fax)  
Email: scott@barberborg.com

By           /s/ Scott E. Borg  
ATTORNEYS FOR PLAINTIFF